

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1151

Citations Affected: IC 25-10-1-1.5; IC 25-10-1-14; IC 25-27-1; IC 25-1; IC 25-4-2-3; IC 25-6.1-3; IC 25-7-6-1; IC 25-7-6-14; IC 25-7-11; IC 25-8; IC 25-9-1-20; IC 25-15-6-4; IC 25-15-6-6; IC 25-21.5-8-6; IC 25-21.5-8-7; IC 25-28.5-2-2.1; IC 25-30-1; IC 25-31-1; IC 25-34.1-3-3.1; IC 25-34.1-3-4.1; IC 25-1-2-9; IC 25-1-6-5.5; IC 25-1-11-9.5; IC 25-21.5-8-3.

Synopsis: Professions and occupations. Allows a physical therapist who meets certain conditions to provide subsequent treatment to a patient who was previously referred to the physical therapist for the same condition if the referral was not more than 12 months old and requires the physical therapist to contact the individual's appropriate provider within three days after the physical therapist provides treatment to the individual. Allows a specified physical therapist to evaluate a patient without a referral and requires the physical therapist to contact the patient's original referring provider within three days before providing treatment. Specifies when a psychologist may refer a patient to a physical therapist. Defines sharp debridement and sets forth limitations on a physical therapist performing sharp debridement. Establishes a process for renewing a license or certificate. Provides that a board may request the office of the attorney general to: (1) investigate a prohibited act committed by an applicant; (2) obtain an injunction against a person from acting without a license, registration, or certification. Provides that the professional licensing agency may stagger license or certificate renewal cycles. Provides that certain boards and commissions must establish licensing, renewal, examination, application, reinstatement, and restoration fees for licenses and certificates. Allows an applicant for registration as a professional engineer who has failed three or more exams to obtain approval from the board to take subsequent exams. Allows the board to issue a registration as a professional engineer to a person who: (1) completes an engineering curriculum and at least three years of work experience; and (2) has been registered or licensed as a professional engineer in another state for at least ten years. **(This conference committee report removes the language contained in EHB 1151 and inserts SB 360 concerning physical therapists as it left the Senate with changes and SB 307 with changes.)**

Effective: July 1, 2004.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1151 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 professions and occupations.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 25-10-1-1.5 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) There is created
- 7 a board of chiropractic examiners. The board shall consist of seven (7)
- 8 members appointed by the governor, not more than four (4) of whom
- 9 may be affiliated with the same political party. Six (6) of the board
- 10 members must be licensed under this chapter and must have had at least
- 11 five (5) years of experience as a chiropractor prior to their appointment.
- 12 One (1) member is to represent the general public and must be:
- 13 (1) a resident of this state; and
- 14 (2) in no way associated with the profession of chiropractic other
- 15 than as a consumer.
- 16 (b) All members shall be appointed for a term of three (3) years and
- 17 serve until their successors are appointed and qualified. A vacancy

occurring on the board shall be filled by the governor by appointment. Each appointed member shall serve for the unexpired term of the vacating member.

(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.

(f) The board may do the following:

(1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.

(2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.

(3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.

(4) Issue, deny, suspend, revoke, and renew certificates.

(5) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.

(6) Initiate the prosecution and enjoinder of a person violating this chapter.

(7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.

(8) Maintain a current list of individuals certified under this chapter.

(9) Establish a code of professional conduct.

(10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section ~~14(c)(4)~~ 14(d)(4) of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 2. IC 25-10-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) **As used in this section, "manual adjustment" means a manual or mechanical intervention that may have velocity, lever, amplitude, or recoil and that:**

(1) may carry a joint complex beyond the normal physiological range of motion;

(2) is applied without exceeding the boundaries of anatomical integrity of the joint complex or other articulations; and

(3) is intended to result in a cavitation of the joint or a reduction of a subluxation.

(c) A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

(1) a chiropractor who has been issued a license under this chapter;

(2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or

(3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

~~(c)~~ (d) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

(1) licensed as a chiropractor under this chapter;

(2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;

(3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;

(4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or

(5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

~~(d)~~ (e) If a violation of subsection ~~(b)~~ or (c) or (d) is being committed:

(1) the board in its own name;

(2) the board in the name of the state; or

(3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state; may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

~~(c)~~ (f) Upon a showing that a person has violated subsection ~~(b)~~ or (c) or (d), the court may grant without bond an injunction, a restraining order, or other appropriate order.

~~(f) This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.~~

SECTION 3. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques, **manual therapy**, and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiological function, bodily malfunction, pain from injury, disease, and any other physical disability or ~~mental~~ disorder, including:

(A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;

(B) neurodevelopmental procedures;

(C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical therapist's assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

(7) "Manual therapy" means a group of techniques comprising a continuum of skilled passive movements to the joints or related soft tissues throughout the normal range of physiological motion that are applied at varying speeds and amplitudes without engaging in a technique that is intended to result in a cavitation of the joint or a reduction of a subluxation.

(8) "Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:

(A) a sterile scalpel;

(B) scissors;

(C) forceps;

(D) tweezers; or

1 **(E) other sharp medical instrument;**
 2 **in order to expose healthy tissue, prevent infection, and to**
 3 **promote healing.**

4 SECTION 4. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as otherwise provided
 6 in this chapter, it is unlawful for a person to practice physical therapy
 7 or to profess to be a physical therapist, physiotherapist, or physical
 8 therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or
 9 any other letters, words, abbreviations, or insignia indicating that the
 10 person is a physical therapist, or to practice or to assume the duties
 11 incident to physical therapy without first obtaining from the board a
 12 license authorizing the person to practice physical therapy in this state.

13 (b) **Except as provided under section 2.5 of this chapter**, it is
 14 unlawful for a person to practice physical therapy other than upon the
 15 order or referral of a physician, podiatrist, psychologist (**only as**
 16 **allowed under subsection (e)**), chiropractor, or dentist holding an
 17 unlimited license to practice medicine, podiatric medicine, psychology,
 18 chiropractic, or dentistry, respectively. It is unlawful for a physical
 19 therapist to use the services of a physical therapist's assistant except as
 20 provided under this chapter. For the purposes of this subsection, the
 21 function of:

- 22 (1) teaching;
- 23 (2) doing research;
- 24 (3) providing advisory services; or
- 25 (4) conducting seminars on physical therapy;
- 26 is not considered to be a practice of physical therapy.

27 (c) Except as otherwise provided in this chapter, it is unlawful for a
 28 person to act as a physical therapist's assistant or to use initials, letters,
 29 words, abbreviations, or insignia indicating that the person is a physical
 30 therapist's assistant without first obtaining from the board a certificate
 31 authorizing the person to act as a physical therapist's assistant. It is
 32 unlawful for the person to act as a physical therapist's assistant other
 33 than under the direct supervision of a licensed physical therapist who
 34 is in responsible charge of a patient or under the direct supervision of
 35 a physician. However, nothing in this chapter prohibits a person
 36 licensed or registered in this state under another law from engaging in
 37 the practice for which the person is licensed or registered. These
 38 exempted persons include persons engaged in the practice of
 39 osteopathy, chiropractic, or podiatric medicine.

40 (d) **Except as provided in section 2.5 of this chapter**, this chapter
 41 does not authorize a person who is licensed as a physical therapist or
 42 certified as a physical therapist's assistant to:

- 43 (1) evaluate any physical disability ~~or mental disorder~~ except upon
 44 the order or referral of a physician, podiatrist, ~~psychologist~~,
 45 chiropractor, or dentist;
- 46 (2) practice medicine, surgery (as described in
 47 IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy,
 48 psychology, chiropractic, or podiatric medicine; or
- 49 (3) prescribe a drug or other remedial substance used in medicine.

(e) A psychologist may refer a patient to a physical therapist under this chapter only for treatment directly related to a condition:

- (1) for which the psychologist is treating the individual; and
- (2) that is under the psychologist's scope of practice described in IC 25-33-1.

SECTION 5. IC 25-27-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.5. A physical therapist may provide subsequent treatment to an individual who was previously referred to the physical therapist for the same condition if the referral is not more than twelve (12) months before the date the individual requests subsequent treatment from the physical therapist. The physical therapist shall consult with the individual's original referring provider not later than three (3) days after the physical therapist provides treatment to the individual under this section.

SECTION 6. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. (a) This section applies to a physical therapist who has at least one (1) year experience in the actual practice of physical therapy as a licensed physical therapist.

(b) If an individual does not meet the requirements set forth in section 2.5 of this chapter, a physical therapist may evaluate the individual without a referral from a provider described in section 2(b) of this chapter. However, the physical therapist shall contact the individual's appropriate provider for a referral not later than three (3) business days after the physical therapist evaluates the individual but before the physical therapist provides treatment to the individual.

(c) Notwithstanding section 2.5 of this chapter, a physical therapist may not perform sharp debridement unless the physical therapist performing the sharp debridement is acting upon the order of a physician licensed under:

- (1) IC 25-22.5; or
- (2) IC 25-29.

SECTION 1. IC 25-1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) By enactment of this chapter, the general assembly intends that, with the exception of the director, the staff of the Indiana professional licensing agency be comprised initially from among persons employed by the boards to which this chapter applies, and that no increase in the aggregate number of persons so employed be allowed by the state personnel department and the state budget agency except to comply with the provisions of this chapter.

(b) It is the further intent of the general assembly that The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

SECTION 2. IC 25-1-6-3, AS AMENDED BY P.L.145-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) ~~Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter,~~ Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 3. IC 25-1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

~~(4) shall, upon written request, furnish at cost to any person a list of the names and addresses of persons holding a license or permit issued by one (1) of the boards listed in section 3 of this chapter.~~

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice ~~shall be accompanied by appropriate renewal forms.~~ **must inform the holder of a license or certificate of the requirements to:**

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate within forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal

1 appearance by the applicant before the board, the board has
 2 good cause to believe that the applicant engaged in activity
 3 described in IC 25-1-11-5.

4 (5) Upon agreement of the applicant and the board and
 5 following a personal appearance by the applicant before the
 6 board, renew the license or certificate and place the applicant
 7 on probation status under IC 25-1-11-12.

8 (g) If an applicant fails to appear before the board under
 9 subsection (f), the board may take action as provided in subsection
 10 (f)(1), (f)(2), or (f)(3).

11 (h) If the board makes a request under subsection (f)(4), the
 12 office of the attorney general shall conduct an investigation. Upon
 13 completion of the investigation, the office of the attorney general
 14 may file a petition alleging that the applicant has engaged in
 15 activity described in IC 25-1-11-5. If the office of the attorney
 16 general files a petition, the board shall set the matter for a
 17 hearing. If, after a hearing, the board finds the practitioner
 18 violated IC 25-1-11-5, the board may impose sanctions under
 19 IC 25-1-11-12. The board may delay renewing a license or
 20 certificate beyond ninety (90) days after the renewal date until a
 21 final determination is made by the board. The applicant's license
 22 or certificate remains valid until the final determination of the
 23 board is rendered unless the renewal is:

24 (1) denied; or

25 (2) summarily suspended under IC 25-1-11-13.

26 (i) The license or certificate of the applicant for license renewal
 27 remains valid during the ninety (90) day period unless the license
 28 is denied following a personal appearance by the applicant before
 29 the board before the end of the ninety (90) day period. If the
 30 ninety (90) day period expires without action by the board, the
 31 license or certificate shall be automatically renewed at the end of
 32 the ninety (90) day period.

33 (j) Notwithstanding any other statute, the licensing agency may
 34 stagger license or certificate renewal cycles.

35 (k) An application for a license or certificate or registration is
 36 abandoned without an action by the board if the applicant does not
 37 complete the requirements within one (1) year after the date on
 38 which the application was filed. However, the board may, for good
 39 cause shown, extend the validity of the application for additional
 40 thirty (30) day periods. An application submitted after the
 41 abandonment of an application is considered a new application.

42 SECTION 4. IC 25-1-6-5 IS AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The licensing agency shall be
 44 administered by an executive director appointed by the governor who
 45 shall serve at the will and pleasure of the governor.

46 (b) The executive director must be qualified by experience and
 47 training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or ~~his~~ **the executive director's** designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon request of a board or commission, the executive director or the executive director's designee may provide advice and technical assistance on issues that may be presented to a board or a commission.

SECTION 6. IC 25-1-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 7. (a) As used in this section, "board" includes the entities listed in IC 25-1-6-3.**

(b) Notwithstanding any other law regarding fees for reinstatement or restoration of a delinquent or lapsed license or certificate, a practitioner who holds a delinquent or lapsed license, certificate, or registration that was issued by the board must pay:

(1) the fee established by the board under section 2 of this chapter; and

(2) a reinstatement fee established by the licensing agency.

(c) The holder shall complete all other requirements for reinstatement or restoration of the license, certificate, or registration that are:

(1) provided for in statute or rule; and

(2) not related to fees.

1 (d) This section does not apply to a license, certificate, or
2 registration if one (1) the following applies:

3 (1) The license, certificate, or registration has been revoked
4 or suspended.

5 (2) A statute specifically does not allow a license, certificate,
6 or registration to be reinstated or restored.

7 SECTION 7. IC 25-1-11-10 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The board may
9 order a practitioner to submit to a reasonable physical or mental
10 examination, **at the practitioner's own expense**, if the practitioner's
11 physical or mental capacity to practice safely and competently is at
12 issue in a disciplinary proceeding.

13 SECTION 8. IC 25-1-11-18 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. A practitioner who
15 has been subjected to disciplinary sanctions may be required by a board
16 to pay the costs of the proceeding. The practitioner's ability to pay shall
17 be considered when costs are assessed. If the practitioner fails to pay
18 the costs, a suspension may not be imposed solely upon the
19 practitioner's inability to pay the amount assessed. These costs are
20 limited to costs for the following:

- 21 (1) Court reporters.
- 22 (2) Transcripts.
- 23 (3) Certification of documents.
- 24 (4) Photo duplication.
- 25 (5) Witness attendance and mileage fees.
- 26 (6) Postage.
- 27 (7) Expert witnesses.
- 28 (8) Depositions.
- 29 (9) Notarizations.

30 (10) Administrative law judges.

31 SECTION 9. IC 25-1-11-19 IS ADDED TO THE CODE AS A **NEW**
32 SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:
33 **Sec. 19. (a) The board may refuse to issue a license or may issue**
34 **a probationary license to an applicant for licensure if:**

35 (1) the applicant has:

36 (A) been disciplined by a licensing entity of another state or
37 jurisdiction; or

38 (B) committed an act that would have subjected the
39 applicant to the disciplinary process if the applicant had
40 been licensed in Indiana when the act occurred; and

41 (2) the violation for which the applicant was, or could have
42 been, disciplined has a direct bearing on the applicant's ability
43 to competently practice the profession in Indiana.

44 (b) When the board issues a probationary license, the board may
45 require a licensee to do any of the following:

46 (1) Report regularly to the board upon the matters that are
47 the basis of the discipline of the other state or jurisdiction.

48 (2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 10. IC 25-1-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.**

SECTION 11. IC 25-4-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 6. Any person desiring to engage or continue in the practice of architecture, in this state, shall apply to the board for a certificate of registration authorizing such person so to do, and shall submit evidence to the board that he is qualified to engage or continue in the practice of architecture, in compliance with the requirements of this chapter. The application for a certificate of registration shall be made on a form which shall be prescribed and furnished by the board; shall be verified and shall be accompanied by the prescribed fee. The board shall establish fees under IC 25-1-8-2.**

SECTION 12. IC 25-4-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before November 2, the date established by the licensing agency under IC 25-1-6-4, renew the registered architect's certificate of registration and pay the required renewal fee. Every license or certificate of registration that has not been renewed during the month of November in any year expires on December 1 in that year. A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required restoration fee fees under IC 25-1-8-7.**

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

(1) making application to the board for renewal of the registration; and

(2) paying a renewal fee equal to the sum of the renewal fees that the applicant would have paid if the applicant had regularly renewed the required under IC 25-1-8-7.

(c) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During

the period of the architect's retirement, the architect is not liable for any renewal or restoration fees. If any retired architect desires to return to the practice of architecture in Indiana within a period of five (5) years from the date that the architect files a statement under this subsection, the retired architect must:

(1) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and

(2) pay

~~(A) a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter. if the retired architect's registration is renewed for one (1) year or more in a biennial renewal cycle established under subsection (a); or~~

~~(B) a renewal fee equal to one-half (1/2) the fee set by the board to renew an unexpired registration under this chapter; if the retired architect's registration is renewed for less than one (1) year in a biennial renewal cycle established under subsection (a).~~

SECTION 13. IC 25-4-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered architect, shall be ~~twenty-five dollars (\$25.00); established by the board under IC 25-1-8-2.~~

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be ~~twenty-five dollars (\$25.00); established by the board under IC 25-1-8-2.~~

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be ~~one dollar (\$1.00) after the certificate has been in default for one (1) month; and an additional one dollar (\$1.00) for each succeeding month or fraction thereof of such default but not exceeding a maximum restoration fee of ten dollars (\$10.00); Such established under IC 25-1-8-7.~~ The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be ~~fifteen dollars (\$15.00); established by the board under IC 25-1-8-2.~~

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be ~~twenty-five dollars (\$25.00); established by the board under IC 25-1-8-2.~~

SECTION 14. IC 25-4-2-3, AS AMENDED BY P.L.82-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) To qualify for registration as a landscape architect, an applicant must:

(1) submit evidence that the applicant is an individual who is at least eighteen (18) years of age;

(2) submit evidence that the applicant has:

(A) graduated from an accredited curriculum of landscape architecture presented by a college or school approved by the

board; or

(B) attained before January 1, 2003, at least eight (8) years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board;

(3) submit evidence that the applicant has paid the examination fee and the ~~license~~ **application** fee set by the board;

(4) provide an affidavit that indicates that the applicant does not have a conviction for:

(A) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(B) a felony that has a direct bearing on his ability to practice competently;

(5) pass the examination required by the board under section 4 of this chapter after meeting the requirements in subdivisions (1) through (4); and

(6) submit evidence that the applicant has at least three (3) years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board.

(b) The board shall issue a certificate of registration under this chapter to an applicant who meets the requirements in this section.

SECTION 15. IC 25-6.1-3-2, AS AMENDED BY P.L.23-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

(1) be at least eighteen (18) years of age;

(2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;

(3) not have a conviction for:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

(1) The value of real estate and of various goods commonly sold at an auction.

(2) Bid calling.

(3) Sale preparation, sale advertising, and sale summary.

(4) Mathematics.

(5) The provisions of this article and the commission's rules.

(6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an initial application for an auctioneer license, each individual shall:

(1) pay a nonrefundable examination fee ~~of thirty-five dollars (\$35)~~ **established by the commission under IC 25-1-8-2**; and

(2) pay a surcharge under IC 25-6.1-8 for deposit in the auctioneer

recovery fund.

(e) When ~~filing an application~~ **applying** for a renewal of an auctioneer license, each individual shall do the following:

(1) ~~File with the commission a completed application on the form prescribed~~ **Apply in a manner required** by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

(2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination prepared and administered by the commission. The commission shall hold examinations as the commission may prescribe. The examination for an auctioneer's license shall include questions on the applicant's:

- (1) ability to read and write;
- (2) knowledge of the value of real estate and of various goods commonly sold at an auction;
- (3) knowledge of calling;
- (4) knowledge of sale preparation, sale advertising, and sale summary;
- (5) knowledge of mathematics; and
- (6) knowledge of the provisions of this article and the commission's rules.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight, February 28, 2004, and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not more than one (1) year after the date it expired upon the payment of the renewal fee plus the ~~sum of twenty-five dollars (\$25)~~ **reinstatement fee established under IC 25-1-8-7** and submission of proof that the applicant has complied with the continuing education requirement. If the license has expired for a period of more than one (1) year, the person must file an application and take the required examination. However, an applicant for restoration of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to restore the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license.

(j) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

- (1) is licensed to act as an auctioneer in the state of the applicant's

domicile;

(2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;

(3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;

(4) is a resident of a state that grants the same privileges to the licensees of Indiana; and

(5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(m) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 16. IC 25-6.1-3-5, AS AMENDED BY P.L.23-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. ~~(a)~~ At the time of obtaining a license under this chapter, the licensee shall pay the license fee ~~prescribed by this section~~ **established by the commission under IC 25-1-8-2.**

~~(b) The fee for the license issued to any person, auction company, or auction house during each licensing period is seventy dollars (\$70):~~

~~(c) The commission may adopt rules that provide for the payment of a proportionate amount of the licensing fee if a license will be issued for less than the full term of the license:~~

SECTION 17. IC 25-6.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The commission may charge the fee established under IC 25-1-8-2 as the cost of providing duplicate licenses to replace lost or destroyed licenses.

(b) The commission may charge ~~five dollars (\$5) as the~~ **a fee established under IC 25-1-8-2 for the** cost of certified copies of licenses, which may include certified copies of a type and size which

can be easily carried on the person of the licensee.

SECTION 18. IC 25-7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) If the board determines that:

(1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and

(2) the jurisdiction issuing the license imposes substantially equivalent requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to the person upon payment of the fee ~~required under 816 IAC 1-3-1.~~ **established by the board under IC 25-1-8-2.**

(b) This subsection applies only to applications for a barber license under IC 25-7-10. If the jurisdiction issuing the license does not impose substantially equivalent requirements as required under subsection (a)(2), the board may approve a combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

SECTION 19. IC 25-7-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. An expired barber license may be ~~restored~~ **reinstated** by payment of the ~~restoration fee plus all unpaid reinstatement and~~ **renewal fees required under IC 25-1-8-2 and IC 25-1-8-7** within five (5) years of the expiration date of the license. After five (5) years from the date that a barber license expires under this section, the person whose license has expired may restore the license only by:

(1) applying for ~~restoration~~ **reinstatement** of the license;

(2) paying the ~~fee~~ **fees** set forth under IC 25-7-11 **and IC 25-1-8-7**; and

(3) taking the same examination required under IC 25-7-10 for an applicant for a license to practice as a registered barber.

SECTION 20. IC 25-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The board shall ~~charge a fee of three hundred dollars (\$300) for an application to issue or renew a barber school license. adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.~~

(b) In addition to the fee charged under subsection (a), the board shall charge a fee for ~~restoring~~ **reinstating** a barber school license **under IC 25-1-8-7.**

~~(c) The fee charged under subsection (b) shall be determined by the date that the applicant applies for the restoration of the license as follows:~~

Number of days following expiration of license		Fee
0-30	\$0
31-180	\$150
181-191	\$200

(d) ~~The fee charged under subsection (b) shall be accompanied by all unpaid renewal fees.~~

(c) A barber school license may not be ~~restored~~ **reinstated** if at least one hundred ninety-two (192) days have passed since the license expired. However, the barber school may obtain a new license by:

- (1) making application;
- (2) meeting the requirements for licensure; and
- (3) paying a fee ~~of four hundred dollars (\$400)~~ **established by the board.**

SECTION 21. IC 25-7-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) ~~The board shall charge a fee of forty dollars (\$40) to issue or renew an instructor license.~~

(b) ~~To restore an expired barber instructor license, the board shall charge a fee of seventy-five dollars (\$75) plus all unpaid renewal fees.~~

(c) ~~The board shall charge a fee of fifty dollars (\$50) for providing an examination to an applicant for a barber instructor license.~~ **adopt rules under IC 4-22-2 to establish fees related to an instructor's license under IC 25-1-8-2.**

SECTION 22. IC 25-7-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) ~~The board shall charge a fee of forty dollars (\$40) for issuing or renewing a barber shop license.~~

(b) ~~The board shall charge a fee for restoring a barber shop license that shall be determined by the date that the applicant applies for the restoration of the license as follows:~~

Number of days following expiration of license	Fee
0-30	
\$ 10	
31-180	\$ 50
181-191	\$100

(c) ~~The fee charged under subsection (b) shall be accompanied by all unpaid renewal fees.~~ **adopt rules under IC 4-22-2 to establish fees related to barber shop licenses under IC 25-1-8-2.**

(b) A barber shop license may not be restored if at least one hundred ninety-two (192) days have passed since the license expired. However, the barber shop may obtain a new license by:

- (1) making application;
- (2) meeting the requirements for licensure; and
- (3) paying a fee ~~of one hundred forty dollars (\$140)~~ **the fees established under IC 25-1-8-2 and IC 25-1-8-7.**

SECTION 23. IC 25-7-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) ~~The board shall charge a fee of at least thirty dollars (\$30) and not more than fifty dollars (\$50) establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.~~

(b) The board shall ~~charge a fee of forty dollars (\$40)~~ **establish fees under IC 25-1-8-2** for issuing or renewing a barber license.

(c) The board shall charge a fee ~~for restoring~~ **established under IC 25-1-8-7 for reinstating** a barber license. ~~that shall be determined by the date that the applicant applies for the restoration of the license as follows:~~

Number of days following expiration of license	Fee
0-30	
\$ 10	
31-181	\$ 50
182-5 years	\$100

(d) ~~The fee charged under subsection (c) shall be accompanied by all unpaid renewal fees.~~

SECTION 24. IC 25-7-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The board shall ~~charge establish~~ a fee ~~of ten dollars (\$10)~~ **under IC 25-1-8-2** for issuing a duplicate license.

SECTION 25. IC 25-8-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. Except as provided in IC 25-8-9-11, the board may, upon application, ~~restore~~ **reinstate** a license under this chapter that has expired if the person holding the license:

- (1) pays ~~any unpaid renewal fees to the board;~~ **established by the board under IC 25-1-8-2;**
- (2) pays the license restoration fee set forth in IC 25-8-13;
- (3) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being ~~restored~~ **reinstate**, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board; and
- (4) fulfills the continuing education requirements under IC 25-8-15.

SECTION 26. IC 25-8-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. (a) Except as provided in subsection (b), the board may not ~~restore~~ **reinstate** a license issued under this article if the person holding the license does not petition for license renewal within three (3) years after the expiration of the license, unless that person complies with section 23 of this chapter.

(b) The board may not restore:

- (1) a cosmetology salon license issued under IC 25-8-5;
- (2) an electrology salon license issued under IC 25-8-7.2;
- (3) an esthetician salon license issued under IC 25-8-12.6;
- (4) a manicurist salon license issued under IC 25-8-7.1; or
- (5) a cosmetology school license issued under IC 25-8-7;

unless the license holder submits an application for restoration of the license within six (6) months after the date the license expired.

SECTION 27. IC 25-8-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. The board may ~~restore~~ **reinstate** a license issued under this article held by a person

described in section 22(a) of this chapter if the applicant:

- (1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-8-13;
- (3) pays the ~~restoration~~ **reinstatement** fee set forth in IC 25-8-13; and
- (4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being restored.

SECTION 28. IC 25-8-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The board shall charge a fee ~~of four hundred dollars (\$400)~~ **established by the board under IC 25-1-8-2** for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee for restoring a cosmetology school license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

Days Following Expiration of License	Fee
1- 30	\$200
31- 180	300
More than 180	400

SECTION 29. IC 25-8-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing:

- (1) a cosmetology instructor license;
- (2) an esthetics instructor license; or
- (3) an electrology instructor license.

(b) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring~~ **reinstating** an instructor license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

Days Following Expiration of License	Fee
1- 30	\$ 20
31- 180	30
More than 180	40

SECTION 30. IC 25-8-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(b) The board shall charge a fee **as required under IC 25-1-8-7** for ~~restoring~~ **reinstating**:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(c) ~~The fee charged under subsection (b) shall be determined by the date that the applicant applies for the restoration of the license as follows:~~

Days Following	
Expiration of License	Fee
0 - 30	\$ 10
31 - 180	50
181 - 191	100

SECTION 31. IC 25-8-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The board shall charge a fee ~~of twenty-five dollars (\$25) established by the board~~ **under IC 25-1-8-2** for providing an examination to an applicant for a master cosmetologist license.

(b) The board shall charge a fee ~~of forty dollars (\$40) established by the board under IC 25-1-8-2~~ for issuing or renewing a master cosmetologist license.

(c) The board shall charge a fee **as required under IC 25-1-8-7** for ~~restoring~~ **reinstating** a master cosmetologist license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

Days Following	
Expiration of License	Fee
1- 30	\$ 20
31- 180	30
More than 180	40

SECTION 32. IC 25-8-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The board shall charge a fee ~~of twenty dollars (\$20) established by the board under IC 25-1-8-2~~ for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee ~~of forty dollars (\$40) established by the board under IC 25-1-8-2~~ for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee **required under IC 25-1-8-7** for ~~restoring~~ **reinstating** a cosmetologist license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

Days Following	
Expiration of License	Fee
1- 30	\$ 20
31- 180	30

~~More than 180~~

~~40~~

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.

SECTION 33. IC 25-8-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The board shall charge a fee ~~of twenty-five dollars (\$25)~~ established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.

(b) The board shall charge a fee ~~of forty dollars (\$40)~~ established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee required under IC 25-1-8-7 for restoring reinstating an electrologist license. The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:

Days Following

Expiration of License

Fee

~~1- 30~~

\$ 20

~~31- 180~~

30

~~More than 180~~

~~40~~

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 34. IC 25-8-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) The board shall charge a fee ~~of ten dollars (\$10)~~ established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee ~~of forty dollars (\$40)~~ established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee required under IC 25-1-8-7 for restoring reinstating a manicurist license. The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:

Days Following

Expiration of License

Fee

~~1- 30~~

\$ 20

~~31- 180~~

30

~~More than 180~~

~~40~~

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 35. IC 25-8-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) The board shall charge a fee ~~of twenty dollars (\$20) established by the board under IC 25-1-8-2~~ for providing an examination to an applicant for a shampoo operator license.

(b) The board shall charge a fee ~~of forty dollars (\$40) established by the board under IC 25-1-8-2~~ for issuing or renewing a shampoo operator license.

(c) The board shall charge a fee **as required under IC 25-1-8-7** for ~~restoring~~ **reinstating** a shampoo operator license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

~~Expiration of License~~

~~Fee~~

~~1- 30~~

~~\$ 20~~

~~31- 180~~

~~30~~

~~More than 180~~

~~40~~

SECTION 36. IC 25-8-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The board shall charge a fee ~~of twenty-five dollars (\$25) established by the board under IC 25-1-8-2~~ for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee ~~of forty dollars (\$40) established by the board under IC 25-1-8-2~~ for issuing or renewing an esthetician license.

(c) The board shall charge a fee **as required under IC 25-1-8-7** for ~~restoring~~ **reinstating** an esthetician license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

~~Expiration of License~~

~~Fee~~

~~1- 30~~

~~\$ 20~~

~~31- 180~~

~~30~~

~~More than 180~~

~~40~~

(d) The board shall charge a fee ~~of one hundred dollars (\$100) established by the board under IC 25-1-8-2~~ for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 37. IC 25-8-15.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. To obtain a license to operate a tanning facility, a person must do the following:

(1) Submit an application to the board on a form prescribed by the board.

(2) Pay a fee ~~of two hundred dollars (\$200) established by the board under IC 25-1-8-2.~~

SECTION 38. IC 25-9-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. (a) The commission

shall, upon application to the Indiana professional licensing agency, grant licenses to competent referees and judges whose qualifications may be tested by the commission, and the commission may revoke any such license granted to any referee or judge upon such cause as the commission may deem sufficient. Such license must be renewed biennially. No person shall be permitted to act as referee or judge in Indiana unless holding such license.

(b) The application for license as referee, or renewal thereof, shall be accompanied by a fee ~~which shall not be less than twenty-five dollars (\$25); established by the commission under IC 25-1-8-2.~~

(c) The commission shall appoint from among such licensed officials, all officials for all contests held under this chapter.

SECTION 39. IC 25-15-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The board shall restore the expired license of an individual who:

- (1) was licensed as a funeral director or embalmer;
- (2) applies for restoration of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;
- (3) pays a fee ~~that is equal to:~~
 - ~~(A) the fee set by the board for renewal of a funeral director license or embalmer license; or~~
 - ~~(B) the fee set by the board for renewal of a funeral director license or embalmer license multiplied by the product of two (2) times the number of six (6) month periods that have elapsed from the date that the license expired;~~

~~whichever is greater; established under IC 25-1-8-7; and~~

- (4) meets the continuing education requirements set by the board.

SECTION 40. IC 25-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The board may ~~restore~~ **reinstate** the license of:

- (1) a person that has allowed a funeral home license to expire only if the person reapplies for a funeral home license, pays ~~an additional a fee set by the board,~~ **required under IC 25-1-8-7,** and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired only if the individual reapplies for a funeral director intern license, takes another examination, if required by the board, pays ~~an additional a fee set by the board,~~ **required under IC 25-1-8-7,** and otherwise meets the requirements in IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after the time set in section 4 of this chapter has run only if the individual reapplies for a funeral director license, takes another examination, pays ~~an additional a fee set by the board,~~ **required under IC 25-1-8-7,** and otherwise meets the requirements in IC 25-15-4-3(b).

The board may not restore an embalmer license or a funeral director license for a person qualified only under IC 25-15-4-3(d) after the time set under section 4 of this chapter has expired.

SECTION 41. IC 25-21.5-7-5, AS AMENDED BY P.L.113-1999, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. The board shall determine the amount of registration fees for a land surveyor and certification fees for a land-surveyor-in-training. ~~Except as provided under IC 25-21.5-8-7, the registration and renewal fee for a land surveyor may be not more than fifty dollars (\$50) per year.~~

SECTION 42. IC 25-21.5-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The board shall ~~determine the renewal fee and delinquent fee~~ **establish fees under IC 25-1-8.**

SECTION 43. IC 25-21.5-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) Establish a fee ~~of two dollars (\$2)~~ for each hour of continuing education required after the certificate of registration was issued or renewed.

(2) Require that continuing education fees be paid when the land surveyor's certificate of registration is renewed.

(3) Establish procedures for approving an organization that provides continuing education.

(4) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course.

(B) A certified statement of the hours to be credited to each land surveyor.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 44. IC 25-28.5-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. (a) Every license or certificate of registration issued under ~~the provisions of~~ this chapter

shall expire two (2) years subsequent to the date of its issuance expires on a date established by the professional licensing agency under IC 25-1-6-4 and shall be renewed biennially thereafter upon payment of the required renewal fees.

(b) Applications for renewal shall be filed with the commission on a in the form and manner provided therefore; no later than thirty (30) days prior to the expiration date of the licensee's or registrant's current license or certificate of registration by the commission. The application shall be accompanied by the required renewal fee. The commission upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. **Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.**

SECTION 45. IC 25-28.5-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. The fees to be charged by and paid to the commission by licensees for all licenses and license renewals thereof shall be established by the commission ~~under IC 25-1-8-2,~~ under IC 25-1-8.

SECTION 46. IC 25-28.5-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. (a) All fees collected by the commission shall be deposited with the treasurer of state to be deposited by him the treasurer in the state general fund. ~~of the state.~~

(b) All expenses of the commission shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

SECTION 47. IC 25-28.5-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.1. (a) At the time of initial licensure under this article, each licensee shall pay the ~~following fee fees established by the board under IC 25-1-8-2 for the following:~~

(1) ~~Seventy-five dollars (\$75)~~ for A plumbing contractor.

(2) ~~Thirty dollars (\$30)~~ for A journeyman plumber.

(b) Fees collected under subsection (a) shall be placed in the plumbers recovery fund.

(c) The fee assessed under this section is in addition to any other fee under this article.

SECTION 48. IC 25-30-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) An application for license as a private detective must be on a form prescribed by the board accompanied by the license fee as ~~provided by this chapter; established by the board under IC 25-1-8.~~

(b) The application shall be verified and shall include the following:

(1) The full name and business address of the applicant.

(2) The name under which the applicant intends to do business as a private detective.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.

(4) Other information, evidence, statements, or documents required by the board.

SECTION 49. IC 25-30-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) **Unless a license is renewed**, a license and the identification cards of the licensee's employees issued under this chapter expire ~~two (2) years from the date of issuance of the license~~ **on a date specified by the professional licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee set by the board under IC 25-1-8-2 on or before the renewal date specified by the professional licensing agency.**

(b) **If the holder of a license does not renew the license by the date specified by the professional licensing agency, the license expires and becomes invalid without any action taken by the board.**

(c) A licensee desiring a renewal license must:

- (1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and
- (2) meet the license renewal requirements determined by the board.

~~(c)~~ (d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

- (1) Files an application for renewal with the board.
- (2) Meets the license requirements determined by the board.
- (3) Pays ~~the license and delinquent fees~~ **a fee as required under IC 25-1-8-7.**

~~(d)~~ (e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

SECTION 50. IC 25-30-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) The board shall charge and the licensing agency shall collect the ~~following private detective license fees established by the board under IC 25-1-8.~~

~~(1) For issuance or renewal of a private detective license, a fee of one hundred fifty dollars (\$150);~~

~~(2) For identification cards for unlicensed employees issued under section 10(d) of this chapter, a fee of:~~

~~(A) ten dollars (\$10); or~~

~~(B) five dollars (\$5) if application for the identification card is made in the second year of the licensee's license.~~

~~(3) For reinstatement of a license referred to in section 16(c) of this chapter, a delinquent fee of seventy-five dollars (\$75).~~

(b) All fees collected under this chapter shall go into the general fund and shall be accounted for by the licensing agency.

~~(c) A license fee shall not be refunded unless a showing is made of ineligibility to receive the license by failure to meet the requirements of this chapter, or by a showing of mistake, inadvertence, or error in the collection of the fee.~~

SECTION 51. IC 25-31-1-14 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) The examination required of all applicants for registration as a professional engineer shall be a written examination which shall be divided into the following two (2) parts, each of eight (8) hours duration:

(1) Engineering fundamentals.

(2) Principles and practice of engineering.

The board may adopt rules under IC 4-22-2 establishing additional examination requirements.

(b) The engineering fundamentals portion of the examination shall be designed to test the applicant's knowledge of mathematics and the physical and engineering sciences. The standards of proficiency required shall approximate that attained by graduation in an approved four (4) year engineering curriculum.

(c) The principles and practice of **the** engineering portion of the examination shall be designed primarily to test the applicant's understanding of, and judgment and ability to apply correctly, the principles of:

(1) mathematics;

(2) the physical sciences;

(3) the engineering sciences; and

(4) engineering design analysis and synthesis;

to the practice of professional engineering. A part of the examination may be designed to test the applicant's knowledge and understanding of the ethical, economic and legal principles relating to the practices of professional engineering.

(d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.

(e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.

(f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.

(g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written examination as the board deems necessary to meet the requirements of this chapter.

(h) An applicant for registration as a professional engineer who fails in the first examination may request to be readmitted for a second examination at either of the next two (2) regularly scheduled examinations. Upon application and at the discretion of the board, an applicant who misses:

(1) the originally scheduled examination; or

(2) the next two (2) regularly scheduled examinations;

may be given permission to appear for another regularly scheduled examination. The amount of fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed ~~two (2)~~ **three (3)** or more examinations reapplies and submits evidence of acquiring additional knowledge for the examination the board may give the applicant approval to take subsequent examinations.

SECTION 52. IC 25-31-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed ~~in this chapter by the board under IC 25-1-8-2~~, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

- (1) show the full name of the registrant;
- (2) bear a serial number and date; and
- (3) be signed by ~~each member under the seal~~ **a designee** of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed ~~in this chapter by the board under IC 25-1-8-2~~ to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

- (1) show the full name of the enrollee;
- (2) bear a serial number and date; and
- (3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

SECTION 53. IC 25-31-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. ~~(a) The biennial period for which renewals are to be made shall extend from the first day of August of an even-numbered year to the last day of July of the next even-numbered year.~~

~~(b) A new registrant whose certificate bears a date during the first twelve (12) months of a biennial renewal period is required to pay one-half (1/2) of the biennial renewal fee in addition to and at the time of the payment of the certificate fee to validate the certificate for the last twelve (12) months of the biennial renewal period.~~

~~(c) All certificates of registration expire on the last day of July in each even-numbered year and are invalid from that date, unless renewed. The secretary of the board shall send a renewal bill notice by mail to every person registered and in good standing and to those holding invalid certificates who are delinquent not more than two (2)~~

years. The notice must comply with the provisions of ~~IC 25-1-2-6(c)~~ and include the amount of the renewal fee and delinquent fee, if any, to validate the certificate for the succeeding biennial period. The renewal fee and delinquent fee shall be determined by the board under ~~IC 25-1-8-2.~~

(a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the professional licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the professional licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the professional licensing agency, the license expires and becomes invalid without the board taking any action.

~~(d)~~ (c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal until the registrant's certificate has remained invalid during two (2) biennial renewal periods if the registrant pays the appropriate delinquent and renewal fees. After two (2) successive biennial renewal periods have elapsed renewal shall be denied.

SECTION 54. IC 25-31-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. **However, an individual meets the experience requirement under section 12 of this chapter if the individual:**

(1) has at least three (3) years of engineering work experience after the individual graduates from an approved engineering curriculum but before the individual successfully passes an examination required under section 14 of this chapter; and

(2) has been registered or licensed as a professional engineer in another state for at least ten (10) years.

SECTION 55. IC 25-34.1-3-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.1. (a) To obtain a salesperson license, an individual must:

(1) be at least eighteen (18) years of age before applying for a

license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public.

(2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);

(3) apply for a license by submitting the application fee prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;

(4) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(5) submit not more than one hundred twenty (120) days after passing the written examination under subdivision (4):

(A) the license fee ~~of twenty-five dollars (\$25)~~; **established by the commission under IC 25-1-8-2**; and

(B) a sworn certification of a principal broker that the principal broker intends to associate with the applicant and maintain that association until notice of termination of the association is given to the commission.

(b) Upon the applicant's compliance with the requirements of subsection (a), the commission shall:

(1) issue a wall certificate in the name of the salesperson to the principal broker who certified the applicant's association with the principal broker; and

(2) issue to the salesperson a pocket identification card which certifies that the salesperson is licensed and indicates the expiration date of the license and the name of the principal broker.

(c) Notice of passing the commission examination serves as a temporary permit to act as a salesperson as soon as the applicant sends, by registered or certified mail with return receipt requested, the license fee and certification as prescribed in subsection (a)(5)(A) and (a)(5)(B).

The temporary permit expires the earliest of the following:

(1) The date the license is issued.

(2) The date the applicant's association with the certifying principal broker is terminated.

The temporary permit may not be renewed, extended, reissued, or otherwise effective for any association other than with the initial certifying principal broker.

(d) A salesperson shall:

(1) act under the auspices of the principal broker responsible for

1 that salesperson's conduct under this article;
 2 (2) be associated with only one (1) principal broker;
 3 (3) maintain evidence of licensure in the office, branch office, or
 4 sales outlet of the principal broker;
 5 (4) advertise only in the name of the principal broker, with the
 6 principal broker's name in letters of advertising larger than that of
 7 the salesperson's name; and
 8 (5) not maintain any real estate office apart from that office
 9 provided by the principal broker.

10 (e) Upon termination of a salesperson's association with a principal
 11 broker, the salesperson's license shall be returned to the commission
 12 within five (5) business days. The commission shall reissue the license
 13 to any principal broker whose certification, as prescribed in subsection
 14 (a)(5)(B), is filed with the commission, and the commission shall issue
 15 a new identification card to the salesperson reflecting that change.

16 (f) **Unless a license is renewed**, a salesperson license expires **at**
 17 **midnight, December 31, of the next odd-numbered year following the**
 18 **year in which the license is issued or last renewed; unless the licensee**
 19 **renews the license prior to expiration by payment of a biennial license**
 20 **fee of twenty-five dollars (\$25). An expired license may be reinstated**
 21 **within one hundred twenty (120) days after expiration, by payment of**
 22 **all unpaid license fees together with twenty dollars (\$20). If the license**
 23 **is renewed within eighteen (18) months, but more than one hundred**
 24 **twenty (120) days, after expiration, the licensee must pay a late fee of**
 25 **one hundred dollars (\$100) plus any unpaid license fees, on a date**
 26 **specified by the professional licensing agency under IC 25-1-6-4**
 27 **and expires biennially after the initial expiration date. An**
 28 **applicant for renewal shall submit an application in the manner**
 29 **prescribed by the board and pay the renewal fee set by the board**
 30 **under IC 25-1-8-2 on or before the renewal date specified by the**
 31 **professional licensing agency. If the holder of a license does not**
 32 **renew the license by the date specified by the professional**
 33 **licensing agency, the license expires and becomes invalid without**
 34 **the board taking any action.** If a salesperson fails to reinstate a
 35 license within eighteen (18) months after expiration, a license may not
 36 be issued unless that salesperson again complies with the requirements
 37 of subsection (a)(3), (a)(4), and (a)(5).

38 (g) A salesperson license may be issued to an individual who is not
 39 yet associated with a principal broker but who otherwise meets the
 40 requirements of subsection (a). A license issued under this subsection
 41 shall be held by the commission in an unassigned status until the date
 42 the individual submits the certification of a principal broker required by
 43 subsection (a)(5). If the individual does not submit the application for
 44 licensure within one hundred twenty (120) days after passing the
 45 commission examination, the commission shall void the application and
 46 may not issue a license to that applicant unless the applicant again
 47 complies with the requirements of subsection (a)(4) through (a)(5).

48 (h) If an individual holding a salesperson license is not associated
 49 with a principal broker for two (2) successive renewal periods, the

1 commission shall notify the individual in writing that the individual's
 2 license will become void if the individual does not associate with a
 3 principal broker within thirty (30) days from the date the notification is
 4 mailed. A void license may not be renewed.

5 SECTION 56. IC 25-34.1-3-4.1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.1. (a) To obtain a
 7 broker license, an individual must:

8 (1) be at least eighteen (18) years of age before applying for a
 9 license and must not have a conviction for:

10 (A) an act that would constitute a ground for disciplinary
 11 sanction under IC 25-1-11;

12 (B) a crime that has a direct bearing on the individual's ability
 13 to practice competently; or

14 (C) a crime that indicates the individual has the propensity to
 15 endanger the public.

16 (2) have satisfied section 3.1(a)(2) of this chapter and have had
 17 continuous active experience for one (1) year immediately
 18 preceding the application as a licensed salesperson in Indiana;
 19 however, this one (1) year experience requirement may be waived
 20 by the commission upon a finding of equivalent experience;

21 (3) have successfully completed an approved broker course of
 22 study as prescribed in IC 25-34.1-5-5(b);

23 (4) apply for a license by submitting the application fee prescribed
 24 by the commission and an application specifying the name,
 25 address, and age of the applicant, the name under which the
 26 applicant intends to conduct business, the address where the
 27 business is to be conducted, proof of compliance with
 28 subdivisions (2) and (3), and any other information the
 29 commission requires;

30 (5) pass a written examination prepared and administered by the
 31 commission or its duly appointed agent; and

32 (6) within one hundred twenty (120) days after passing the
 33 commission examination, submit the license fee ~~of fifty dollars~~
 34 **(\$50), established by the commission under IC 25-1-8-2.** If an
 35 individual applicant fails to file a timely license fee, the commission
 36 shall void the application and may not issue a license to that
 37 applicant unless that applicant again complies with the
 38 requirements of subdivisions (4) and (5) and this subdivision.

39 (b) To obtain a broker license, a partnership must:

40 (1) have as partners only individuals who are licensed brokers;

41 (2) have at least one (1) partner who is a resident of Indiana;

42 (3) cause each employee of the partnership who acts as a broker
 43 or salesperson to be licensed; and

44 (4) submit the license fee ~~of fifty dollars (\$50)~~ **established by the**
 45 **commission under IC 25-1-8-2** and an application setting forth
 46 the name and residence address of each partner and the
 47 information prescribed in subsection (a)(4).

48 (c) To obtain a broker license, a corporation must:

49 (1) have a licensed broker residing in Indiana who is either an
 50 officer of the corporation or, if no officer resides in Indiana, the

1 highest ranking corporate employee in Indiana with authority to
 2 bind the corporation in real estate transactions;

3 (2) cause each employee of the corporation who acts as a broker
 4 or salesperson to be licensed; and

5 (3) submit the license fee ~~of fifty dollars (\$50)~~, **established by**
 6 **the commission under IC 25-1-8-2** and an application setting
 7 forth the name and residence address of each officer and the
 8 information prescribed in subsection (a)(4), a copy of the
 9 certificate of incorporation, and a certificate of good standing of
 10 the corporation issued by the secretary of state of Indiana.

11 (d) To obtain a broker license, a limited liability company must:

12 (1) if a member-managed limited liability company:

13 (A) have as members only individuals who are licensed
 14 brokers; and

15 (B) have at least one (1) member who is a resident of Indiana;
 16 or

17 (2) if a manager-managed limited liability company, have a
 18 licensed broker residing in Indiana who is either a manager of the
 19 company or, if no manager resides in Indiana, the highest ranking
 20 company officer or employee in Indiana with authority to bind the
 21 company in real estate transactions;

22 (3) cause each employee of the limited liability company who acts
 23 as a broker or salesperson to be licensed; and

24 (4) submit the license fee ~~of fifty dollars (\$50)~~ **established by the**
 25 **commission under IC 25-1-8-2** and an application setting forth
 26 the information prescribed in subsection (a)(4), together with:

27 (A) if a member-managed company, the name and residence
 28 address of each member; or

29 (B) if a manager-managed company, the name and residence
 30 address of each manager, or of each officer if the company
 31 has officers.

32 (e) Licenses granted to partnerships, corporations, and limited
 33 liability companies are issued, expire, are renewed, and are effective on
 34 the same terms as licenses granted to individual brokers, except as
 35 provided in subsection (h), and except that expiration or revocation of
 36 the license of:

37 (1) any partner in a partnership or all individuals in a corporation
 38 satisfying subsection (c)(1); or

39 (2) a member in a member-managed limited liability company or
 40 all individuals in a manager-managed limited liability company
 41 satisfying subsection (d)(2);

42 terminates the license of that partnership, corporation, or limited liability
 43 company.

44 (f) Upon the applicant's compliance with the requirements of
 45 subsection (a), (b), or (c), the commission shall issue the applicant a
 46 broker license and an identification card which certifies the issuance of
 47 the license and indicates the expiration date of the license. The license
 48 shall be displayed at the broker's place of business.

49 (g) Notice of passing the commission examination serves as a
 50 temporary permit for an individual applicant to act as a broker as soon

as the applicant sends, by registered or certified mail with return receipt requested, a timely license fee as prescribed in subsection (a)(6). The temporary permit expires the earlier of one hundred twenty (120) days after the date of the notice of passing the examination or the date a license is issued.

(h) A broker license expires, for individuals, at midnight, December 31 and, for corporations, partnerships, and limited liability companies at midnight, June 30 of the next even-numbered year following the year in which the license is issued or last renewed, unless the licensee renews the license prior to expiration by payment of a biennial license fee of fifty dollars (\$50) established by the board under IC 25-1-8-2. An expired license may be reinstated within one hundred twenty (120) days after expiration by payment of all unpaid license fees together with twenty dollars (\$20). If the license is renewed within eighteen (18) months, but more than one hundred twenty (120) days, after expiration, the licensee must pay a late fee of one hundred dollars (\$100) plus any unpaid license fees the fees established under IC 25-1-8-7. If a broker fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless the broker again complies with the requirements of subsection (a)(4), (a)(5), and (a)(6).

(i) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2004]: IC 25-1-2-9; IC 25-1-6-5.5; IC 25-1-11-9.5; IC 25-21.5-8-3.

SECTION 58. [EFFECTIVE JULY 1, 2004] (a) **This SECTION applies to the entities listed in IC 25-1-6-3, as amended by this act.**

(b) **Notwithstanding the requirement under this act that an entity described in subsection (a) must adopt fees, a fee charged by an entity on June 30, 2004, continues in effect until the fee is changed by a rule adopted by the entity. An entity described in subsection (a) must adopt a rule described in this SECTION before January 1, 2005.**

(c) **This SECTION expires July 1, 2005.**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1151 as reprinted February 26, 2004.)

Conference Committee Report
on
Engrossed House Bill 1151

Signed by:

Representative Mahern
Chairperson

Senator Miller

Representative Richardson

Senator Breaux

House Conferees

Senate Conferees